

DELEGATION OF AUTHORITY

DATE: 2/21/17

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)

14-6. Inspections, Sampling, Information Gathering,
Subpoenas, and Entry for Response

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 14-6 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), including Sections 104, 109 and 122:

- a. to enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions;
- b. to require the production of information and documents;
- c. to issue subpoenas;
- d. to issue compliance orders for production of information and documents;
- e. to issue compliance orders for entry and inspection;
- f. to obtain warrants to support this authority;
- g. to execute warrants to support this authority;
- h. to carry out inspections, sampling, and information gathering authorized by the CERCLA; and
- i. to designate representatives of the Regional Administrator to perform the functions specified in paragraphs 1.B.a. through 1.B.e., and 1.B.h.

2. TO WHOM REDELEGATED.

A. The authorities in 1.B.a., 1.B.b., 1.B.g., and 1.B.h. are delegated through the Director of the Office of Site Remediation and Restoration (OSRR), to Managers, Emergency Planning and Response, and Managers, Remediation and Restoration I and II, OSRR, and to staff who hold EPA credentials, and no further.

B. The authorities in 1.B.c., 1.B.d., 1.B.e., and 1.B.i. are delegated concurrently to:

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- a. The Director, OSRR;
- b. The Managers of the Emergency Planning and Response, OSRR; and
- c. The Managers of the Remediation and Restoration I and II, OSRR.

C. The authority in 1.B.f. is redelegated to the Director, OSRR and the Director, Office of Environmental Stewardship (OES), concurrently.

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. through 1.B.c., 1.B.g., and 1.B.h. may be redelegated to the staff level.

B. The authorities in 1.B.d., 1.B.e., and 1.B.i. may be redelegated to the Section Chief level, and no further.

C. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Delegates shall be represented by an Agency attorney in carrying out any of the above functions before a court of law, and/or administrative proceeding.

B. Prior to exercising the authorities listed in 1.B.c. through 1.B.f., delegates shall obtain concurrence from the Superfund Legal Manager, Legal Enforcement Office, OES, or his/her designee, unless this concurrence is waived by the Superfund Legal Manager.

C. The Superfund Legal Manager, Legal Enforcement Office, OES, or his/her designee, shall be responsible for any necessary consultation with the Manager, Legal Enforcement Office, OES, or his/her designee, and the Regional Counsel, or his/her designee, regarding significant counseling issues.

D. The Director, OSRR and the Director, OES must consult with the Regional Administrator (RA), or his/her designee, prior to obtaining warrants.

E. Delegates shall consult with the RA, or his/her designee, and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA), or his/her designee, prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, consistent with the most recent version of the *OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart*, or successor documents, as appropriate.

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F. These authorities may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

G. The AA for the Office of Land and Emergency Management (OLEM) and the AA for OECA must notify the appropriate RA prior to exercising the authorities in 1.B.a. through 1.B.h., except in the case of nationally managed programs.

H. The AA for OLEM must consult with the AA for OECA prior to requesting warrants, issuing compliance orders, or issuing subpoenas.

5. ADDITIONAL REFERENCES.

A. Sections 104(e), 109(a) and (b), and 122(e) of the CERCLA.

B. National Contingency Plan, 40 CFR Part 300.

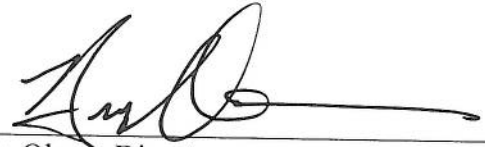
C. U.S. Environmental Protection Agency Order 3510, *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities.*

D. EPA Delegation 14-12, *Civil Judicial Enforcement Actions, Including Collection Actions.*

6. SUPERSESSION. Region I Delegation 14-6, dated September 3, 1996.



Deborah A. Szaro
Acting Regional Administrator



Bryan Olson, Director
Office of Site Remediation and Restoration

2/21/17

Date

2/16/17

Date